

VZCZCXRO5964  
OO RUEHCI  
DE RUEHKT #0813/01 2440835  
ZNY CCCCC ZZH  
O 010835Z SEP 09  
FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0703  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 7099  
RUEHLM/AMEMBASSY COLOMBO PRIORITY 7417  
RUEHKA/AMEMBASSY DHAKA PRIORITY 2748  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 5459  
RUEHLO/AMEMBASSY LONDON PRIORITY 6583  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3198  
RUEHSA/AMEMBASSY PRETORIA PRIORITY 0284  
RUEHCI/AMCONSUL KOLKATA PRIORITY 4731  
RUEHGV/USMISSION GENEVA PRIORITY 2401  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3638  
RHEFDIA/DIA WASHDC PRIORITY  
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000813

SIPDIS

E.O. 12958: DECL: 07/06/2019

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [NP](#)

SUBJECT: NEPAL: VP OATH CRISIS SYMBOLIZES ETHNIC DIVISIONS

REF: A. KTM 00744

[1](#)B. KTM 00726

Classified By: Charge d' Affaires, a.i., Jeffrey A. Moon. Reasons 1.4 (b/d).

[1](#)1. (C) Summary: Nepal's Vice President Parmananda Jha has refused to take his oath in the Nepali language after the Supreme Court invalidated his previous oath, taken in Hindi. The controversy has been brewing for months and has come to symbolize long-standing tensions over language and ethnicity in Nepal. It also threatens to destabilize the current coalition government. End Summary.

VICE PRESIDENT UNSWORN, STATUS UNCLEAR

-----  
[1](#)2. (U) Parmananda Jha, elected VP by the Constituent Assembly (CA) from the Terai-based Madhesi People's Rights Forum (MPRF) party, was sworn in on July 23, 2008. During the swearing in, Jha said the oath in the Hindi language rather than Nepali. He claimed at the time that he was "conveniencing the people of southern Nepal, for whom Hindi is the medium language." Over a year later and after several rounds of street protests, Nepal's Supreme Court ruled the Hindi oath was unconstitutional and that Jha was not properly sworn in. He appealed the ruling several times, losing most decisively on August 28. After his failed appeals, the President and PM arranged for Jha to retake the oath August 30, but the VP skipped the ceremony. As of August 31, Jha is no longer going to the VP's office and has moved out of the VP's official residence, but has refused to resign.

[1](#)3. (C) Constitutional lawyer, Bhim Arjun Acharya, told Emboff on August 31 that the Interim Constitution must either be amended to allow the oath to be taken in other languages or Jha must retake the oath in Nepali. (Note: The Interim Constitution of 2007 designated Nepali as the official language, and required it for the Presidential and VP oath of office. There are regulations allowing CA members to take the oath in their "mother tongue," but the exception does not apply to the VP's oath. Regardless, Jha's mother tongue is not Hindi, but Maithili. End Note.)

LARGER ETHNIC AND LANGUAGE DEBATE

-----  
[1](#)4. (U) While the VP's position in the Interim Constitution is ceremonial, the controversy highlights the sensitivity of

language and ethnicity in Nepal. The Constituent Assembly is engrossed in a heated debate over federalism, which has taken on strong ethnic and linguistic undertones, with some groups demanding specific ethnic autonomous zones (ref A). Whether there should be zero, one, or multiple official languages has become a central argument for constitution drafters, and the VP's seemingly inconsequential decision has taken on great political significance.

#### POLITICAL FALLOUT

15. (C) Abhishek Pratap Shah, a member of Jha's political party, told Emboff on August 31 that members of the MPRF went to Jha and told him to resign. If Jha resigned, Shah said the MPRF would leave the coalition along with other Mahdesi parties and form a new government more receptive to Madhesi concerns. (Note: The current ruling coalition is made of 22 parties and 338 CA members. Without the Madhesi parties, the coalition would have 280 votes--not the 301 needed for a majority. End Note.) Jeetendra Narayan Dev, spokesperson for another faction of the MPRF, said his party and the two other leading Terai/Madhesi parties, Terai Madhesi Democratic Party and Sadbhavana Party, on August 31 called on the government to amend the constitution to allow the VP to take the oath in his mother tongue. The statement also requested the Maoist party refrain from blocking the meeting of the CA so it could approve the amendment. (Note: Upset over the CA's unwillingness to debate Chief of the Army Staff Katawal's reinstatement, Maoists have blocked the CA from meeting for the last three weeks (ref B). End Note.)

KATHMANDU 00000813 002 OF 002

16. (C) Indian Embassy Political Officer Anshuman Gaur told Emboff on August 28 the situation was "very serious" and if Jha leaves, Madhesi parties would go with him and bring the government down. He said the "most elegant solution" was for the CA to amend the constitution.

17. (SBU) In a telling statement of Maoist thinking, Maoist leader Pushpa Kamal Dahal told press on August 26 that Jha should resign over the controversy he has created. (Comment: The assumption made is if Jha resigned in protest, the ruling coalition would fall, and Dahal's Maoist party would head the new government. End Comment.)

18. (SBU) Comment: The Vice President's absence has no practical effect on the operation of government, but the ramifications of Jha's refusal to accept Nepali as the official language could impact the future of the ruling coalition. The controversy illustrates the importance of language and ethnic identity and will almost certainly be the cause of further conflict. Most concerning, the VP oath crisis highlights the dangers created when Nepal's political parties fan the flames of smoldering ethnic and linguistic divisions for short-term political advantage.

MOON